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Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 EA-10 IO-13 ISO-00 CEA-01 CIAE-00
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STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
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P 311043Z JUL 78
FM AMEMBASSY TAIPEI
TO SECSTATE WASHDC PRIORITY 8365
INFO AMEMBASSY BRUSSELS PRIORITY
USMISSION GENEVA PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY TOKYO PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 TAIPEI 04990

GENEVA FOR PHELAN; BRUSSELS FOR USEC

E.O. 11652: GDS
TAGS: EPAP, GATT, EC, JA
SUBJECT: TEXTILES: TRILATERAL MEETING

1. TEXTILES OFFICIALS OF THE U.S., THE EC, AND JAPAN HELD CONFIDENTIAL MEETINGS IN TOKYO JULY 28 AND PART OF 29TH. AMONG TOPICS DISCUSSED WERE: PRODUCT COVERAGE IN EC AND OTHER BILATERALS; TIMING OF EC SUBMISSION OF BILATERALS TO TSB; DURATION OF "REASONABLE DEPARTURES"; EC RULES OF ORIGIN; EC CERTIFICATE OF ORIGIN REQUIREMENT; PRICING CLAUSE IN SOME EC BILATERALS; BURDEN SHARING; TIMING AND AGENDA OF NEXT GATT TEXTILES COMMITTEE MEETING.

2. PRODUCT COVERAGE. EC DEL (TRAN) SAID COMMISSION, IN KEEPING WITH ITS PROMISE AT THE MARCH TRILATERAL, "IS SEEKING A WAY" TO SEPARATE OUT LINEN FROM ITS BILATERAL WITH ROMANIA -- ITS ONLY AGREEMENT WHICH INCLUDES FIBERS
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OTHER THAN THOSE COVERED BY MFA. ALTHOUGH COMMISSION AGREES GENERALLY WITH USG (BUT LESS STRONGLY) THAT COVERAGE OR FIBERS OTHER THAN COTTON, WOOL, AND MAN-MADE FIBER IN BILATERALS UNDER MFA IS UNDESIRABLE, IT IS NOT IN A POSITION TO OPPOSE OPENLY THEIR INCLUSION IN SWEDISH AND CANADIAN BELATERALS. THE EC COMMISSION IS WILLING, HOWEVER, TO WORK BEHIND THE SCENES TO INFLUENCE COUNTRIES WHICH HAVE N

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NEGOTIATED SUCH BELATERALS (SWEDEN IN PARTICULAR) TO CHANGE THEM PRIOR TO THEIR SUBMISSION TO TSB. IN ADDITION, TRAN SUGGESTED THAT THE THREE TRY TO ORCHESTRATE LDC OPPOSITION IN TSB TO SUCH EXPANDED COVERAGE. (FOR PHELAN: SUGGEST YOU FOLLOW THROUGH ON THIS WITH LDC REPS TO TSB. YOUR NEW JAPANESE COUNTERPART MAY BE ABLE TO HELP.) USDEL (SMITH) SAID EXPANDED COVERAGE IS DANGEROUS PRECEDENT; IF LINEN OR SILK, FOR EXAMPLE, WERE ALLOWED UNDER MFA UMBRELLA, OTHERS MIGHT TRY TO INSERT JUTE, LEATHER, OR EVEN TV'S OR TIRES. THE MFA'S CLEAR LIMITATION TO PRODUCTS MADE OF COTTON, WOOL, AND ARTIFICIAL FIBER IS STRONG AMMUNITION FOR EACH OF US TO USE AGAINST THE EFFORTS BY PROTECTIONIST ELEMENTS IN OUR OWN INDUSTRIES; TO BRING OTHER PRODUCTS UNDER ITS PURVIEW; WE OUGHT NOT BY OUR OWN INACTION, ALLOW THIS LIMITATION TO BE ABROGATED BY DEFACTO INCLUSION OF OTHER PRODUCTS. JAPANESE DEL (KOBAYASHI) SAID GOJ POSITION ON THIS IS NOT YET FORMULATED, BUT JAPAN BELIEVES THERE SHOULD BE A LIMITE ON COVERAGE, AND JAPANESE REP WOULD PARTICIPATE IN GENEVA EFFORT TO ENLIST LDC OPPOSITION IN TSB TO EX-PANDED COVERAGE.

3. SUBMISSION OF EC BILATERALS TO TSB. THIS TOPIC BECAME ENTANGLED WITH QUESTION OF WHEN NEXT GATT TEXTILES COMMIT-TEE (TC) MEETING SHOULD BE SCHEDULED, SINCE FORMER IS LIKELY TO BE MAIN SUBJECT FOR DISCUSSION IN LATTER. DEFENDING ITS OFFER TO GIVE AGREEMENTS IN THEIR PRESENT CONFIDENTIAL

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FORM TO TSB AS "WORKING DOCUMENTS," EC DEL CONFIRMED THAT NO AGREEMENTS HAVE YET BEEN SIGNED, BUT ANTICIPATED FEW OR NO CHANGES BETWEEN NOW AND SIGNATURE. TSB MEMBERS WOULD THUS HAVE TIME TO STUDY AND REFLECT ON BELATERALS, WHEREAS IF THEY SEE NOTHING UNTIL BILATERALS FINALIZED, THERE WILL BE HEAVY END-OF-YEAR TIME PRESSURE. USDEL NOTED THAT MTN ACTIVITY FROM LATE NOVEMBER AT LEAST THROUGH DECEMBER 15TH WILL PROBABLY PRECLUDE A TC MEETING DURING THAT PERIOD. THERE WAS SOME INTERESTING INTERPLAY BETWEEN TRAN AND BECK (TRAN'S DEPUTY) IN REGARD TO THE DELAY IN FINALIZING AND SUBMITTING THE BILATERALS. TRAN ACKNOWLEDGED THE "STRONG RESISTANCE" BY UK AND ASSOCIATED MEDITERRANEAN COUNTRIES TO PARTS OF THE BILATERALS, MENTIONING IN PARTICULAR THE UK'S DESIRE FOR AUTOMATIC ACTION AT THE "TRIGGER POINTS." BECK TURNED THE DISCUSSION AWAY FROM THIS AND POINTED TO PROCEDURAL AND LOGISTIC DIFFICULTIES AFTER THE PRESUMED APPROVAL OF BILATERALS BY THE EC COUNCIL IN MID-SEPTEMBER. (I.E., TRANSLATION, REPRODUCTION, ETC') AS MAJOR REASONS THAT SUBMISSION WILL BE DELAYED AT LEAST THREE MONTHS MORE. HE SAID BILATERALS COULD BE GIVEN TO TSB ONE BY ONE FROM LATE OCTOBER ONWARDS. TRAN CONTRADICTED THIS, SAYING THEY WOULD BE SUBMITTED IN A PACKAGE, NOT ONE AT A TIME; "THAT

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WAY, IF WE ARE NOT SATISFIED WITH THE TC REVIEW, WE CAN WITHDRAW THE WHOLE PACKAGE." IN ANSWER TO U.S. QUESTIONS, TRAN SAID REGIONAL ALLOCATION OF QUOTAS AMONG EC MEMBER COUNTRIES WAS NOT BEING USED IN A RESTRICTIVE WAY. NO EXPORTING COUNTRY WOULD BE FACED WITH A REGIONAL ALLOCATION WHICH REPRESENTED A SIGNIFICANT SHIFT IN ITS MARKETS. NOR WAS THERE ANY QUESTION OF REDUCING A COUNTRY'S ALLOCATION; THERE WERE ONLY TO BE CHANGES IN POSITIVE GROWTH RATES. TRAN SAID THAT A TC MEETING COULD PROVIDE USEFUL COUNTER-PRESSURE TO OVERCOME INTERNAL EC PROTECTIONIST PRESSURES, IF HELD IN OCTOBER, ALTHOUGH THE AGENDA WOULD HAVE TO BE CAREFULLY SET IN ORDER THAT IT NOT BECOME COUNTER-PRODUCTIVE. USDEL SAID THAT NOTHING RE-

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OMB-01 DOE-15 /137 W
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QUIRING TSB ATTENTION SHOULD BE ON THE TC AGENDA UNLESS THE TSB HAS HAD AMPLE PRIOR TIME TO REVIEW AND ACT ON IT. ALL AGREED THAT OCTOBER WOULD BE THE BEST AND EARLIEST TIME FOR NEXT TC. TRAN SUGGESTED, AND ALL AGREED, THAT NEXT US/EC/JAPAN TRILATERAL BE HELD IN EUROPE SHORTLY BEFORE THE TC MEETING.

4. IN VIEW OF EARLIER REPORTS FROM USTSB REP TO EFFECT THAT TSB WAS UNWILLING TO RECEIVE EC'S BILATERALS AS WORKING DOCUMENTS, AND IN VIEW OF THE PRACTICAL TIME CONSTRAINTS INVOLVED IN GETTING THE EC'S BILATERALS THROUGH THE TSB AND TC, THE THREE DELEGATIONS CAST ABOUT FOR A WAY

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TO GET THESE WORKING DOCUMENTS BEFORE THE TSB MEMBERS WITHOUT COMPROMISING TSB PRINCIPLES. AT USTEXDEL INITIATIVE, IT WAS PRIVATELY PROPOSED TO TRAN THAT EC DELIVER TO THE INDIVIDUAL TSB MEMBERS' MISSIONS IN GENEVA THE WORKING DOCUMENTS THE EC HAD EARLIER PROPOSED TO TRANSMIT TO THE TSB, A LA THE QUOTE PAPERS FROM HEAVEN UNQUOTE DURING THE MFA RENEWAL PROCESS. UNDER THIS SCHEME, THE SEVEN
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INDIVIDUAL TSB MEMBERS WOULD STUDY PRIVATELY SOME 24 INITIALED (BUT NOT SIGNED) AGREEMENTS OVER THE NEXT MONTH AND A HALF IN PREPARATION FOR THE FORMAL TRANSMISSION AND REVIEW PROCESS IN NOVEMBER. TRAN AND KOBAYASHI AGREED TO THIS PROPOSAL. ONLY THOSE BILATERALS WHICH TEH EC'S BILATERAL PARTNER HAD NOT AGREED TO TRANSMIT AS WORKING DOCUMENTS WOULD NOT DESCEND FROM HEAVEN, AND WE UNDERSTAND ONLY HONG KONG'S BILATERAL WOULD THEREFORE NOT BE PRIVATELY GIVEN. (ACTION REQUESTED' BRUSSELS USEC SHOULD REMIND TRAN OF HIS COMMITMENT TO FOLLOW THROUGH ON THIS SCHEME. TRAN RETURNS FROM SEOUL ON OR ABOUT AUGUST 3')

5. DURATION OF "REASONABLE DEPARTURES." IN ANSWER TO QUESTIONS, TRAN SAID ALL EC BILATERALS, AND THUS ALL "DEPARTURES" CONTAINED THEREIN, ARE FOR 4 OR 5 YEARS. AS REGARDS THE "TEMPORARY" NATURE OF DEPARTURES, AS CALLED FOR IN THE MFA RENEWAL PROTOCOL, TRAN SAID THE EC IS IN CONFORMITY WITH THIS SINCE IT WILL RETURN TO NORMAL MFA OPERATION AFTER 1982. HE SAID THESE YEARS ARE "MAXIMUM PROTECTION"; THE EC "WILL NOT ASK FOR MORE." GOJ DEL SAID DEPARTURES SHOULD BE TEMPORARY, AND 5 YEARS SEEMED TOO LONG. USDEL SAID THERE WERE AT LEAST TWO CONDITIONS UNDER WHICH ANOTHER COUNTRY COULD QUESTION THE CONTINUANCE OF ONE OR MORE "REASONABLE DEPARTURES" -- FIRST, IF THE EC ECONOMIC OR TEXTILES TRADE SITUATION SHOULD IMPROVE MARKEDLY, OR SECOND, IF THERE IS TRADE DEFLECTION TO THE DETRIMENT OF A THIRD COUNTRY. TRAN SAID THAT, WITH REGARD TO THE FIRST SITUATION, CONSUMERS WOULD DEMAND MORE TEXTILES AND THE EC WILL ADJUST ITS BILATERALS UPWARDS IN RESPONSE. WITH REGARD TO THE LATTER, SECOND SITUATION, HOWEVER, TRAN SAID THE EC WOULD RAISE THE QUESTION OF BURDEN SHARING (SEE PARA 9 BELOW).

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6. RULES OF ORIGIN - BEING COVERED BY SEPTEL.

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7. EC CERTIFICATE OF ORIGIN REQUIREMENT. US DEL SAID EC REQUIREMENT AMOUNTS TO AN NTB SINCE IT REQUIRES C/O PROCESS TO BE AUTHORIZED BY, OR UNDER THE GENERAL SURVEILLANCE OF, THE USG. OUR LEGAL ADVISORS TELL US THAT, ALTHOUGH THERE IS NO PROBLEM ABOUT CHAMBER OF COMMERCE OR SIMILAR ORGANIZATIONS ISSUING CERTIFICATES, USG HAS NO LEGAL AUTHORITY TO OVERSEE, SURVEILL OR OTHERWISE OFFICIAL-LY RECOGNIZE THEIR ISSUANCE AS EC REGULATION APPEARS TO REQUIRE. EC DEL CONFIRMED THAT ITS REGULATION DOES REQUIRE AT LEAST SOME MINIMAL DEGREE OF GOVERNMENT OVERSIGHT; FOR EXAMPLE, IF A CHAMBER OF COMMERCE SHOULD CERTIFY FALSELY, THE EC WOULD EXPECT USG TO BE ABLE TO DO SOMETHING ABOUT IT. US DEL SAID THIS NEEDS FURTHER DIS-CUSSION BETWEEN OUR GOVERNMENTS. IN THE MEANTIME WE ASSUME NO U.S. EXPORTS WILL BE HELD UP FOR LACK OF A C/O. EC DEL SAID THEY WOULD NOT HOLD UP U.S. EXPORTS "FOR THE PRESENT", BUT COULD MAKE NO ASSURANCE FOR THE FUTURE. GOJ DEL SAID THAT, ALTHOUGH IT CONSIDERED THE EC REQUIREMENT BURDENSOME, IT WOULD COOPERATE WITH THE EC.

COMMENT: STATE AND COMMERCE LAWYERS SHOULD MEET SOONEST WITH USG TEXTILE OFFICIALS TO EXAMINE EC C/O REQUEST. END COMMENT.

8. PRICING CLAUSE IN SOME EC BILATERALS. IN REPLY TO USDEL QUESTION, EC DEL SAID PRICING CLAUSE (SEE GENEVA 9250) IS JUSTIFIED UNDER ANNEX 'A' OF MFA. EC INTERPRETA-TION IS THAT WHILE PRICE CRITERIA FOR MARKET DISRUPTION USUALLY APPEARS IN COMBINATION WITH OTHER OF THE SEVERAL CRITERIA MENTIONED IN ANNEX 'A', THIS NEED NOT BE THE CASE; PRICE ALONE CAN BE SUFFICIENT IN SOME CASES. TRAN SAID EC HAD NEGOTIATED SUCH CLAUSES ONLY WITH ROMANIA AND PERU, AND MIGHT ALSO NEGOTIATE THEM INTO BILATERALS WITH POLAND AND HUNGARY. USDEL SAID WE WERE CONCERNED RE POSSIBLE
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PRECEDENTIAL EFFECT OF THIS CLAUSE BUT, DUE TO LATENESS OF HOUR AT THIS POINT, THE ISSUE WAS NOT DISCUSSED EXTEN-

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SIVELY.

9. BURDEN SHARING. EC DEL, HAVING PLACED THIS ITEM ON AGENDA, SAID THAT FOR A NUMBER OF YEARS EC HAS HAD GREATER INFLUX OF TEXTILE AND APPAREL IMPORTS THAN U.S' AND JAPAN. HE SAID 1977 FIGURES ON PRODUCTION, EMPLOYMENT, AND CONSUMPTION SHOW EC IS STILL CARRYING THE BURDEN IN TERMS BOTH OF THE ABOVE AND OF IMPORT PENETRATION. IN REPLY TO A U.S. QUESTION HE SAID HE WAS UNCERTAIN WHAT FIRST SIX MONTHS OF 1978 SHOW, BUT THERE APPEARED TO BE VERY LITTLE LETUP. HE POINTED OUT THAT EC BECAME A NET DEFICIT COUNTRY IN THE TEXTILE TRADE IN 1976. ASKED WHAT WAS THE PURPOSE OF THIS PRESENTATION, TRAN SAID BLUNTLY THAT EC WANTED TO PREVENT U.S. OR OTHER COUNTRY "OPENING UP THE SITUATION" ON THE BASIS OF DIVERSION OF TRADE. USDEL, RECALLING THAT A SIMILAR PRESENTATION SEVERAL MONTHS AGO IN A DIFFERENT FORUM APPEARED TO BE CONTRADICTED (AT LEAST IN PART) BY DATA AVAILABLE TO USG, AND NOTING THAT THE U.S. HAS HAD A TEXTILE TRADE DEFICIT SINCE 1961, SAID USG DOES NOT AGREE
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WITH THE EC ASSESSMENT THAT IT IS CARRYING THE BURDEN. (COMMENT: THE EC APPARENTLY BELIEVES THAT TRADE DIVERSION IS LIKELY TO OCCUR AS A RESULT OF ITS BILATERALS, AND WILL BASE ITS OPPOSITION TO ANY REMEDIAL ACTION BY USG OR OTHERS ON ITS CLAIM THAT IT CARRIES A DISPROPORTIONATE SHARE OF THE BURDEN. END COMMENT. ACTION REQUESTED: EB/TEX PLEASE ASK EB/PAS TO DO BRIEF ANALYSIS OF INTERNATIONAL BURDEN SHARING AMONG IMPORTING COUNTRIES IN TEXTILE TRADE, WITH OBJECTIVE OF CRITICALLY EXAMINING EC CLAIM.)

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10. OVERALL COMMENT. DESPITE FRANK EXPLORATION OF DIFFERENCES, TRILATERAL WAS CONDUCTED IN FRIENDLY, OPEN, AND COOPERATIVE MANNER. ALTHOUGH COMMISSION OFFICIALS APPEAR TO FEEL THEIR PRESENT COURSE OF ACTION (I.E., MAKING BILATERIAL IN-FORMALLY AVAILABLE TO TSB MEMBERS AS "WORKING DOCUMENTS," AND KEEPING INTERNAL AND EXTERNAL PRESSURE ON UK NOT TO UPSET COMMISSION APPLECART) IS PROPER ONE, AND PROBABLY BEST THAT CAN BE DONE UNDER CIRCUMSTANCES, WE GET THE IMPRESSION THEY ARE DEEPLY CONCERNED ABOUT UK ATTITUDE AND ITS EFFECTS UPON DENOUEMENT DURING FINAL FEW MONTHS OF 1978. THEY FEAR (WITH GOOD REASON) THAT IF BILATERALS ARE NOT SUBMITTED TO TSB IN REASONABLE TIME -- CERTAINLY BEFORE END OF YEAR -- LDC'S WILL RAISE HOLY HELL IN TC. ON OTHER SIDE OF PICTURE, A CERTAIN TIME DELAY IS IN-EVITABLE IN NEED (A) TO FINALIZE NEGOTIATION OF AGREEMENTS WITH EACH EXPORTING COUNTRY, (B) TO GET EC COUNCIL APPROVAL OF AGREEMENTS, (C) TO COMPLETE LOGISTICAL AND PROCEDURAL REQUIREMENTS TO GET FORMAL AGREEMENTS TO TSB, (D) FOR TSB TO REVIEW BILATERALS AND WRITE REPORT TO TC, AND FINALLY (E) TC RECOGNITION OF THE BILATERALS. THE IMPONDERABLE IN ALL OF THIS, OBVIOUSLY OF GREAT CONCERN TO THE COM-MISSION TEXTILES OFFICIALS, IS WHETHER THE UK WILL BLOCK
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COUNCIL APPROVAL OF THE BILATERALS UNLESS IT GETS ITS WAY IN REGARD TO AUTOMATIC ACTION AT TRIGGER POINTS AND OTHER SUCH CONCERN.
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